

REMARKS

Claims 1-10 and 18-24 are all the claims pending in the application, with claims 1, 6, 18 and 19 being in independent form. Claims 1-10 and 18-24 are amended, and claims 11-17 are canceled. No new matter is presented by these amendments

In the Office Action, the Examiner rejected claims 6-8, 10, 19-21 and 24 under 35 U.S.C. § 102(e) based on Mohebbi (U.S. Patent No. 6,603,971), and rejected claims 1-5, 9, 11-18, 20 and 20-23 under 35 U.S.C. § 103(a) based on Mohebbi in view of Kamel et al. (U.S. Patent No. 6,628,958, hereinafter “Kamel”). In response, Applicant addresses each of the outstanding rejections as follows.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 6-8, 10, 19-21 and 24 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Mohebbi. Applicant traverses this ground of rejection.

Independent claims 6 and 19 define a unique combination of elements that is neither anticipated nor suggested by Mohebbi. For example, claim 6 defines a method for demodulating user data in downlink signals from base stations to a mobile terminal, wherein the mobile terminal selects a first base station that is transmitting user data in a downlink signal having a preferred reception quality. (see page 8, lines 26 - page 9, line 6 and page 14 at lines 22-27). Further, downlink signals from other base stations, which were not selected by the mobile terminal and are transmitting user data after the selection of the first base station, are used to demodulate user data from the first base station. (see page 18 lines 7-28 and page 19, line 25 -

page 20, line 14). Accordingly, user data transmitted from base stations that were not selected by a mobile terminal but continue to transmit user data due to failure to correctly receive the notification of a selected base station can be utilized for downlink data demodulation, thereby resulting in increased downlink reception quality at the mobile terminal. (See page 22, lines 11-15 and page 24, lines 11-14).

Notwithstanding the Examiner's rejection of claim 6, Applicant respectfully submits that Mohebbi fails to teach or suggest the method of claim 6. For instance, Mohebbi merely teaches a soft-handoff procedure where mobile station ranks base stations according to signal quality. (see Mohebbi at col. 5, lines 31-54). Further, the mobile terminal sends a ranking message to the base stations. Subsequently, each base station involved in a soft-handoff region processes the ranking message together with a power control message in order to determine whether the base station should transmit an uplink signal to a base station controller (BSC). (see Mohebbi at col. 7, line 41 - col. 8, line 40). Thus, each base station can independently determine whether it should transmit an uplink signal to the base station controller, thereby reducing fixed-network backhaul between a plurality of base stations and the base station controller. (see Mohebbi at col. 9, lines 46-50).

However, Mohebbi teaches or suggests nothing using downlink signals from other base stations that were not selected to demodulate user data, as required by claim 6. Indeed, the mobile terminal taught by Moebbi is consistent with prior art communications systems which only utilize user data from a selected base station for demodulation.

Accordingly, Applicant submits that Mohebbi fails to anticipate or suggest the limitations of claim 6, and reconsideration and withdrawal of the rejection are requested. Further, Applicant submits that the above arguments are equally applicable to independent claim 19, which defines a mobile terminal which performs the method of claim 6. Therefore, reconsideration and withdrawal of the rejection is requested.

Additionally, Applicant respectfully submits that dependent claims 7-10 and 20-24 are allowable at least by virtue of their respective dependency from independent claim 6 and 19. Therefore, reconsideration and withdrawal of the rejection of these dependent claims is requested, as well.

Claim rejections - 35 U.S.C. § 103(a)

Claims 1-5, 9, 18, 20 and 22-23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mohebbi in view of Kamel. This ground of rejection is traversed.

Independent claims 1 and 18 are directed to apparatuses and methods for controlling transmission power of downlink signals from base stations in a mobile communications system. Applicant submits that the combination of elements defined by independent claims 1 and 18 is neither taught nor suggested by Mohebbi and Kamel.

For instance, independent claims 1 and 18 define a communications system wherein a mobile terminal determines transmission power from base stations not selected by a mobile terminal as a base station having a preferred reception quality, but transmitting user data after the preferred base station is selected. (see page 18, lines 7-28). Additionally, the mobile terminal

sends information to the base stations that were not selected to modify their transmission power. (see page 19, line 1 - page 20, line 21). Thus, even user data transmitted from base stations that were not selected by a mobile terminal can be utilized for controlling transmission power, thereby resulting in decreased interference of the downlink signal to other mobile terminals and downlink user data signals are effectively utilized. (see page 24, lines 6-10).

As discussed above, Mohebbi fails to teach any utilization of user data transmitted by base stations that were not selected by a mobile terminal. Moreover, Applicant submits that Kamel fails to compensate for the deficiencies of Mohebbi because Kamel merely teaches a communications system where base stations increase or decrease transmission power in response to receiving a power control message from a mobile terminal, wherein the amount of power adjustment depends on whether or not the base station is participating in a soft handoff mode. (see Kamel at col. 6, lines 26-37 and col. 4, lines 29-34). Furthermore, there is no suggestion in either Mohebbi or Kamel for any use of downlink signals from base stations which were not selected by a base station when the base stations are transmitting user data after a preferred base station has been selected by the mobile terminal.

Accordingly, Applicant submits that the limitations of independent claims 1 and 18 are neither taught nor suggested by Mohebbi in view of Kamel, and reconsideration of the rejection of these claims is requested. Further, Applicant submits that dependent claims 2-5 and 20-23 are allowable at least by virtue of their respective dependency from independent claims 1 and 18. Thus, reconsideration and withdrawal of the rejection of these dependent claims is requested.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/020,130

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brian K. Shelton
Registration No. 50,245

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 2, 2005